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AN ACT

RELATING TO LABOR; RAISING THE MINIMUM WAGE; PROHIBITING CERTAIN WAGE-RELATED CONDUCT; MAINTAINING LOCAL GOVERNMENT MINIMUM WAGE ENACTMENTS; PREEMPTING LOCAL LAWS, POLICIES AND RESOLUTIONS FROM REGULATING CERTAIN TERMS OF PRIVATE-SECTOR EMPLOYMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 50-4-22 NMSA 1978 (being Laws 1955, Chapter 200, Section 3, as amended) is amended to read:

"50-4-22. MINIMUM WAGES.--

A. Until January 1, 2018, an employer shall pay an employee a minimum wage rate of seven dollars fifty cents (\$7.50) an hour. On and after January 1, 2018, an employer shall pay an employee a minimum wage rate of nine dollars twenty-five cents (\$9.25) an hour.

B. An employer shall not lower the hourly wage rate of an employee because the employee is paid an hourly wage rate greater than the minimum wage rate as provided in Subsection A of this section.

C. This section does not replace or preempt an enactment of the governing body of a municipality, home rule municipality, county or home rule county that sets a minimum wage rate higher than the minimum wage rates prescribed in this section.

1           D. An employer furnishing food, utilities,  
2 supplies or housing to an employee who is engaged in  
3 agriculture may deduct the reasonable value of such furnished  
4 items from any wages due to the employee.

5           E. An employee who customarily and regularly  
6 receives more than thirty dollars (\$30.00) a month in tips  
7 shall be paid a minimum hourly wage of two dollars thirteen  
8 cents (\$2.13) until on and after January 1, 2018, when that  
9 rate shall equal forty percent of the minimum wage rate in  
10 Subsection A of this section. The employer may consider tips  
11 as part of wages, but the tips combined with the employer's  
12 cash wage shall not equal less than the minimum wage rate as  
13 provided in Subsection A of this section. All tips received  
14 by such employees shall be retained by the employee, except  
15 that nothing in this section shall prohibit the pooling of  
16 tips among employees.

17           F. An employee shall not be required to work more  
18 than forty hours in any week of seven days, unless the  
19 employee is paid one and one-half times the employee's  
20 regular hourly rate of pay for all hours worked in excess of  
21 forty hours. For an employee who is paid a fixed salary for  
22 fluctuating hours and who is employed by an employer a  
23 majority of whose business in New Mexico consists of  
24 providing investigative services to the federal government,  
25 the hourly rate may be calculated in accordance with the

1 provisions of the federal Fair Labor Standards Act of 1938  
2 and the regulations pursuant to that act; provided that in no  
3 case shall the hourly rate be less than the federal minimum  
4 wage."

5 **SECTION 2. STATE PREEMPTION--EMPLOYMENT**

6 REGULATION.--A political subdivision of the state, including  
7 a home rule municipality or home rule county, or an  
8 institution of the state shall not adopt or continue in  
9 effect a law, policy or resolution that requires or attempts  
10 to require a private-sector employer to provide its employees  
11 with advanced notice of their work schedules.

12 **SECTION 3. EFFECTIVE DATE.**--The effective date of the  
13 provisions of this act is July 1, 2017.\_\_\_\_\_